

U.S. DISTRICT JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

CLAYTON WHITMORE,)
)
 Plaintiff,) CIVIL NO. 3:22-cv-05485-RSM
)
 vs.) ORDER
)
)
 COMMISSIONER OF SOCIAL SECURITY,)
)
 Defendant)
)

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on April 19th, 2023 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

ORDER FOR EAJA FEES - 1

David Oliver & Associates
2608 South 47th Street, Suite C
Tacoma, WA 98409
(253) 472-4357
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1 Having thoroughly considered the parties' briefing and the relevant record, the Court
2 hereby GRANTS the motion and awards Plaintiff \$4,675.50 in attorney's fees, subject to any
3 offset allowed under the Treasury Offset Program. *See. Astrue v. Ratliff*, 560 U.S. 586, 589 – 590
4 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney by either EFT or check: David
5 Oliver at David Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA 98409.
6 Pursuant to *Ratliff*, award shall be payable to Plaintiff's attorneys, David Oliver at David Oliver
7 & Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government
8 through the Federal Treasury Offset program.

9 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

10 DATED this 26th day of September, 2023.

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14 RICARDO S. MARTINEZ
15 UNITED STATES DISTRICT JUDGE
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19 Presented by:

20 S/David «F233» «F232»
21 David P. Oliver,
22 Attorney for Plaintiff
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